

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Sharrod Bennett

v.

Civil No. 07-cv-107-PB

William Wrenn, Commissioner,
New Hampshire Department of Corrections

O R D E R

Currently before me for preliminary review is Sharrod Bennett's petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. See Rule 4 of the Rules Governing § 2254 Proceedings ("§ 2254 Rule") (requiring initial review to determine whether the petition is facially valid and may be served); United States District Court for the District of New Hampshire Local Rule 4.3(d)(2) (requiring the Magistrate Judge to preliminarily review all cases filed by pro se prisoners). When this matter initially came before me, I ordered Bennett to amend his petition to demonstrate that the claims raised therein, as identified in my Order, had been fully exhausted in the State courts. In response to my Order, Bennett filed an addendum to his petition entitled "Response to the Court's Order Dated April 30, 2007" (document no. 4). I accept the addendum, aggregated

with the original petition filed (document no. 1), as constituting the petition in this matter for all purposes.

Bennett's recent filing satisfactorily demonstrates that each of the claims raised in the petition, including the federal nature of each of those claims, has been fully exhausted in the State courts. I, therefore, order the petition to be served on respondent William Wrenn, the Commissioner of the New Hampshire Department of Corrections. See § 2254 Rule 4. Respondent shall file an answer or other pleading in response to the allegations made therein. See id. (requiring reviewing judge to order a response to the petition).

The Clerk's office is directed to serve the New Hampshire Office of the Attorney General as provided in the Agreement On Acceptance Of Service, copies of this Order, my April 30, 2007 Order (document no. 3), and the habeas petition (document nos. 1 & 4). Respondent shall answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5, which sets forth the required contents of an answer. Upon receipt of the response, the Court will determine whether a hearing is warranted. See §

2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorneys.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: May 31, 2007

cc: Sharrod Bennett, pro se